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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C., 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

CERTIFIED MAIL

AUG 20 2009

Dolana Blount
ETI H2O, Inc
1725 Gillespie Way
El Cajon, CA 92020

Subject: Inquiry Into the Possible Presence of Silver Measuring Between 1 and approximately 100 Nanometers in Registered, Silver-Based Pesticide Products

Dear Ms. Blount:

The United States Environmental Protection Agency (EPA) understands that some registered silver-based pesticide products may contain silver in a form that is measurable in nanometers. For purposes of this particular letter and request, EPA is specifically interested in determining if your silver-based pesticide product contains any amount of silver in any form having a dimension that measures between 1 and approximately 100 nanometers [hereinafter referred to as "nanosilver"]. Please be advised that the specified size range is subject to change in the future as new information becomes available. Accordingly, the Agency reserves the right to revisit and change the specified size range if necessary.

Your company has the following currently registered silver product(s):

Registration Number	Registration Name
72977-1	Axen OHL
72977-2	Axen
72977-3	Axen® 30
72977-5	SDC3A

The Agency is requesting the following information from the product(s) listed above:

- A statement as to whether (or not) your registered, silver-based pesticide product(s) contain(s) any amount of nanosilver.
- If your product(s) does/do contain nanosilver, any existing information not previously provided to the Agency that characterizes the size and size distribution of such silver as measured in nanometers, as well as any information not previously provided to the Agency that describes the manufacturing process used to produce the silver in the size range specified above.

- If your product(s) is/are to be used for an end-use formulation that contain(s) a composite (the active ingredient comprised of nanosilver, plus a carrier [e.g., silica or sulfur], that forms a matrix complex), any existing information not previously provided to the Agency that characterizes the size and size distribution of the composite.
- If your product(s) does/do contain nanosilver, any existing information not previously provided to the Agency that addresses the effects of exposure to the nanosilver on humans or nontarget species, and/or on the levels of potential human and environmental exposure.

Please note that it is EPA's position that the information requested above is reportable under FIFRA section 6(a)(2), which requires the reporting of any factual information regarding unreasonable adverse effects on the environment. As codified in EPA's regulations setting forth the reporting requirements for risk/benefit information under section 6(a)(2), registrants are required to submit information:

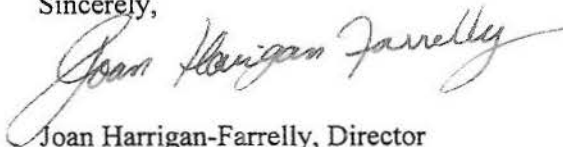
"if the registrant knows, or reasonably should know, that if the information should prove to be correct, EPA might regard the information alone or in conjunction with other information about the pesticide as raising concerns about the continued registration of a product or about the appropriate terms and conditions of registration of a product."

40 CFR §159.195(a).

In accordance with your FIFRA section 6(a)(2) obligation, therefore, EPA seeks receipt of the information set forth above, to the extent you have such information, within 30 days from the date of receipt of this letter. Please note that a failure to comply with the requirements of FIFRA section 6(a)(2) is considered a violation of FIFRA sections 12(a)(2)(B)(ii) and 12(a)(2)(N), and could result in actions for civil penalties and/or criminal penalties under FIFRA section 14.

If you have any questions concerning this letter, please contact Marshall Swindell at (703) 308-6341 or Demson Fuller at (703) 308-8062.

Sincerely,



Joan Harrigan-Farrelly, Director
Antimicrobials Division
Office of Pesticide Programs